

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN DALY, EDWARD IVEY,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

BILLY MCFARLAND, an individual;
JEFFREY ATKINS p/k/a JA RULE, an
individual; FYRE MEDIA, INC., a
Delaware corporation; and DOES 1 through
50, inclusive;

Defendants.

Case No.: 17-cv-03461-~~SB~~ PKC

**STIPULATED DISMISSAL OF ACTION
WITHOUT PREJUDICE
(JEFFREY ATKINS)
[F.R.Civ.P 41(a)(1)(A)(ii)]**

USDC - NY
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IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Sean Daly and Edward Ivey, and Defendant Jeffrey Atkins, as follows:

1. WHEREAS, on May 9, 2017, Plaintiffs Sean Daly and Edward Ivey ("Plaintiffs") filed this action ("Plaintiffs' Complaint") on behalf of themselves and all other persons similarly situated against Defendants Billy McFarland, Jeffrey Atkins, and Fyre Media, Inc. ("Defendants"); and

2. WHEREAS, in September 11, 2017, Defendant Jeffrey Atkins filed an Answer to Plaintiffs' Complaint; and

3. WHEREAS, no other Defendant has made an appearance in this Action; and

4. WHEREAS, no class has been certified;

5. IT IS HEREBY STIPULATED by and between the Plaintiffs and Defendant Jeffrey Atkins through their undersigned counsel that Plaintiffs' Complaint and all claims for relief alleged therein in Plaintiffs' individual capacity and not on behalf of any class they are

alleged to represent, shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). Plaintiffs and Defendant Jeffrey Atkins shall each bear their own costs and fees. Pursuant to rule 41(a)(1)(B), this stipulated dismissal will be effective immediately upon filing without the need for a Court order.

GLANCY PRONGAY & MURRAY LLP
Attorneys for Plaintiffs

By: 

MARC L. GODINO (*Pro Hac Vice*)
1925 Century Park East
Suite 2100
Los Angeles, CA 90025
Telephone: (310) 201-9150
Facsimile: (310) 201-9150

SMITH LAW
Attorneys for Defendant, Jeffrey Atkins

By: 

RYAN H. SMITH (*Pro Hac Vice*)
3737 Glenwood Ave.
Suite 100
Raleigh, NC 27612
Telephone: (919) 809-3807

SO ORDERED

, USDS

4-9-18